

[1]

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1296/2001

M/S AIR CONDITIONING CORPORATION LTD.

Vs.

STATE OF RAJASTHAN & ORS.

DATE: 13.09.2007

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Vivek Singhal for the petitioner.

Mr. Vinay Goyal for the respondents.

By way of this writ petition the petitioner is claiming relief from this Court that the petitioner company has been declared sick industry in terms of Section 3(1)(o) of the Sick Industrial Companies (Special Provision) Act, 1985 and has prayed that the notice for recovery dated 16.08.2000 (Annexure-3) and 22.11.2000 (Annexure-4) have been issued by the respondents and as the petitioner company is declared sick, therefore, such recovery cannot be made and the recovery proceedings be suspended in the light of Section 22 of the SIC Act.

Learned counsel appearing for the petitioner submits that the aforesaid impugned notices have been challenged by the petitioner before the Deputy

[2]

Commissioner (Appeals) by way of filing appeal and the same is still pending and without pressing the writ petition on merits, he only prayed that the Deputy Commissioner (Appeals) be directed to decide the aforesaid appeal expeditiously, which has not been opposed by the learned counsel appearing for the respondents.

Having considered the request made on behalf of both the parties, the Deputy Commissioner (Appeals), Commercial Taxation is directed to decide the appeal filed by the petitioner expeditiously, but in any case, not beyond the period of three months from the date of receipt of certified copy of this order. Till then, the recovery pursuant to the notices may not be made effective and immediately after passing of the order on appeal, the interim order shall stand rejected automatically.

The writ petition stands disposed of in the terms indicated herein above.

The interim order dated 05.03.2002 granted by this Court stands rejected. The stay application also stands rejected.

(K.S. RATHORE),J.

/KKC/